IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.1425 OF 2007**

Dnyandeo Nivrutti Aute ..Petitioner

V/s.

Nivrutti Tukaram Aute & Ors. ..Respondents

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Mr.I.M.Khairdi for the petitioner.

Mr.P.G.Chavan for respondent no.1.

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**Coram : S.J.Vazifdar,J**

Date : 18.07.2007.

PC

1. Prima facie, it is difficult to accept the contention that what is sought to be executed is not a final decree. Admittedly, the suit has been disposed off. The operative part of the order expressly declares the shares of the parties and also directs the Court Commissioner to partition the house property. In the circumstances, nothing else remains to be done. Even assuming that the decree has been wrongly passed, in the facts and circumstances of the case, it is not open to the executing Court to go beyond the decree. In the circumstances, Writ petition is dismissed.

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